

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-1271 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For hearing of main case.

18.01.2021.

Mr. Ali Asghar Mangi, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for State.
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Irshad Ali Shah J.- It is alleged that the applicant committed rape with Pw Mst. Saba, for that the present case was registered by complainant Mst. Shabana.

2. The applicant on having been refused post-arrest bail by learned Additional Sessions Judge-IV, Dadu has sought for the same from this Court by way of instant application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant due to matrimonial dispute; the FIR has been lodged with delay of more than two months; DNA report is in negative; complainant Mst. Shabana and PW Mst. Saba have already recorded no objection to grant of bail to the applicant by filing their affidavits before learned trial Court. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry.

4. Learned Assistant Prosecutor General for the State has opposed to grant of post-arrest bail to the applicant by contending that the offence alleged against him is affecting the society.

5. I have considered the above arguments and perused the record.
6. The FIR of the incident has been lodged with delay of about more than two months; such delay having not been explained plausibly could not be overlooked. The DNA report is in negative. Complainant Mst.Shabana and PW Mst.Saba have already recorded no objection to grant of bail to the applicant by filing their respective affidavits before learned trial Court. In these circumstances, a case for grant of bail to the applicants on point of further inquiry is made out.
7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.50,000/-and PR bond in the like amount to the satisfaction of learned trial Court.
8. The instant application is disposed of accordingly.

JUDGE

Ahmed/Pa.